

FILED

UNITED STATES COURT OF APPEALS

APR 29 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF CALIFORNIA et al.,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES et al.,

Defendants,

and

THE LITTLE SISTERS OF THE POOR
JEANNE JUGAN RESIDENCE,

Intervenor-Defendant-
Appellant.

No. 19-15072

D.C. No. 4:17-cv-05783-HSG
Northern District of California,
Oakland

ORDER

STATE OF CALIFORNIA et al.,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES et al.,

Defendants-Appellants,

and

THE LITTLE SISTERS OF THE POOR

No. 19-15118

D.C. No. 4:17-cv-05783-HSG
Northern District of California,
Oakland

JEANNE JUGAN RESIDENCE,

Intervenor-Defendant.

STATE OF CALIFORNIA et al.,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES et al.,

Defendants,

and

MARCH FOR LIFE EDUCATION AND
DEFENSE FUND,

Intervenor-Defendant-
Appellant.

No. 19-15150

D.C. No. 4:17-cv-05783-HSG
Northern District of California,
Oakland

Before: WALLACE, KLEINFELD, and GRABER, Circuit Judges.

In January 2019, a district judge in the Eastern District of Pennsylvania issued a nationwide injunction against the same federal Defendants before us, enjoining the enforcement of the same final rules before us. Pennsylvania v. Trump, 351 F. Supp. 3d 791 (E.D. Pa. 2019). The Third Circuit has scheduled oral argument on appeals from that order for May 21, 2019.

The parties and intervenors are directed to file, within 21 days of the filing date of this order, simultaneous supplemental briefs not exceeding 5 pages on the following questions: Is this appeal moot due to the nationwide injunction issued in Pennsylvania because we could not grant effective relief to any aggrieved party? How, if at all, does the fact that the nationwide injunction was issued by a district court outside this circuit affect the analysis of mootness? *See California v. Azar*, 911 F.3d 558, 584 (9th Cir. 2018). Parties who are registered for ECF must file the briefs electronically without submission of paper copies. No amici may file a supplemental brief.